

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.:

-----X  
DOMINICK GAFFNEY,

**SUMMONS**

Plaintiff,

Plaintiff designates

-against-

BRONX County

FREDERICK MUNZ and UNITED NATURAL FOODS, INC,

The basis of venue is

Plaintiff's residence/Place of  
Occurrence

Defendants.  
-----X

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York  
June 24, 2021

BLUMEN & SHAYNE, PLLC.

By: 

Douglas Shayne  
2916 Shell Road, 5<sup>th</sup> Floor  
Brooklyn, New York 11224  
Telephone: (718) 618-0462

TO:

UNITED NATURAL FOODS, INC – C/O CT CORPORATION 28 LIBERTY STREET, NEW  
YORK NEW YORK 10005

FREDERICK MUNZ – 17564 MURCOTT BLVD, LOXAHATCHEE, FLORIDA 33470-2627  
(VIA N.Y.S. SECRETARY OF STATE)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

DOMINICK GAFFNEY,

Index No.:

Plaintiff,

**VERIFIED COMPLAINT**

-against-

FREDERICK MUNZ and UNITED NATURAL FOODS, INC,

Defendants.

Plaintiff, DOMINICK GAFFNEY, by his attorneys, BLUMEN & SHAYNE, PLLC.

complaining of the defendants alleges as follows:

1. At all times mentioned herein, the plaintiff DOMINICK GAFFNEY (“GAFFNEY”) was and is still a resident of the State of New York.
2. At all times mentioned herein, plaintiff GAFFNEY was and is over the age of 18 years old.
3. That on April 29, 2021, at or about 12:50 a.m. plaintiff GAFFNEY was the restrained, legal driver in a 2003 Honda bearing New York State license plate number KDL2515.
4. That defendant FREDERICK MUNZ is a resident of the State of Florida.
5. At all times mentioned herein, defendant FREDERICK MUNZ was and is over the age of 18 years old.
6. At all times mentioned herein, defendant UNITED NATURAL FOODS, INC. was and still is a foreign business corporation licensed to do business with the State of New York and has actual places of business in both Uniondale and Montgomery, New York.
7. That on April 29, 2021, at or about 12:50 a.m. defendant FREDERICK MUNZ was the registered owner of a 2015 Tractor Truck bearing Indiana license plate number 2298541.

8. That on April 29, 2021, at or about 12:50 a.m. defendant **FREDERICK MUNZ** was the registered owner of a 2015 Tractor Truck.

9. That on April 29, 2021 at or about 12:50 a.m. defendant **FREDERICK MUNZ** was the operator of a 2015 Tractor Truck bearing Indiana license plate number 2298541

10. That on April 29, 2021 at or about 12:50 a.m. defendant **FREDERICK MUNZ** was the operator of a 2015 Tractor Truck.

11. That upon information and belief, on April 29, 2021 at or about 12:50 a.m. the defendant **FREDERICK MUNZ** was an employee of defendant UNITED NATURAL FOODS, INC.

12. That upon information and belief, on April 29, 2021 at or about 12:50 a.m. the defendant, **FREDERICK MUNZ** was the operator of a 2015 Tractor Truck bearing Indiana license plate number 2298541 within the scope of employment of the defendant UNITED NATURAL FOODS, INC.

13. That upon information and belief, on April 29, 2021 at or about 12:50 a.m. the defendant, **FREDERICK MUNZ** was operating a 2015 Tractor Truck bearing Indiana license plate number 2298541 while acting as an independent contractor on behalf of the business of defendant UNITED NATURAL FOODS, INC.

14. That on April 29, 2021 at or about 12:50 a.m. there was a collision involving the vehicle owned and operated by defendant **FREDERICK MUNZ** and the vehicle owned and operated by plaintiff DOMINICK GAFFNEY on Bruckner Boulevard at or about its intersection with Leggett Avenue, BRONX County, New York.

15. That defendant **FREDERICK MUNZ** failed to use reasonable care under the circumstances and keep a proper lookout in order to avoid the subject collision, thereby causing the collision.

16. That defendant, **FREDERICK MUNZ** negligently failed to avoid the April 29, 2021 occurrence although there was a reasonable opportunity to do so.

17. That defendant **FREDERICK MUNZ** violated the New York Vehicle and Traffic Laws, including sections 1128, 1160 and 1163 as well as the Rules of the City of New York thereby proximately causing the collision.

18. That as a result of the accident, all involved vehicles sustained property damage.

**AS AND FOR A FIRST CAUSE OF ACTION FOR PLAINTIFF GAFFNEY**

19. Plaintiff repeats and re-alleges all the allegations contained in paragraphs 13-18 above as if set forth fully.

20. That the aforesaid collision described in paragraphs 13-18 above was solely caused by defendants' negligence.

21. That plaintiff **GAFFNEY** shares no comparative fault and displayed no want of care for the subject collision.

22. That as a direct result of defendants' negligence plaintiff **GAFFNEY** was rendered sick, lame, unable to work, suffered mental anguish, emotional distress, pain and suffering, and loss of enjoyment in his life.

23. That plaintiff **GAFFNEY** was seriously and permanently injured under New York Insurance Law section 5102(d) solely as a result of defendant's negligence.

24. That plaintiff **GAFFNEY** will require medical attention for the rest of his life as a result of his aforesaid serious and permanent injuries.

25. That as a direct result of defendants' negligence plaintiff **GAFFNEY** sustained economic damages in excess of basic economic loss under New York Insurance Law section 5104.

26. That by reason of the foregoing, plaintiff **GAFFNEY** has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

27. That this action falls under one or more of the exceptions of Article 1602 of New York's CPLR.

WHEREFORE, the plaintiff **DOMINICK GAFFNEY** demands judgment against the above-named defendants individually and collectively in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction, together with costs and disbursements of this action, and such other and further relief that this Court deems just and proper.

Dated: Brooklyn, New York  
June 24, 2021



Douglas Shayne, Esq.  
BLUMEN & SHAYNE P.L.L.C.  
Attorney for Plaintiff  
**DOMINICK GAFFNEY**  
2916 Shell Road, 5th Floor  
Brooklyn, NY 11224  
Tel: (718) 618-0462

**ATTORNEY VERIFICATION**

State of New York                }  
  } SS:  
County of KINGS                }

I, the undersigned, an attorney admitted to practice in the courts of the State of New York, and I am a member of the law firm of BLUMEN & SHAYNE, PLLC. state that BLUMEN & SHAYNE, PLLC. are the attorneys of record for the plaintiff **DOMINICK GAFFNEY** in the within action. I have read the foregoing

**SUMMONS AND VERIFIED COMPLAINT**

in the within action and know the contents thereof, the same are true to my knowledge except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. The reason this verification is made by the undersigned attorney and not by the plaintiff is that the plaintiff resides in a county other than the one in which plaintiffs attorney's maintain their office.

The grounds of my belief as to those matters therein not stated upon knowledge is based upon facts, records, and other pertinent information contained in our legal files maintained in the ordinary course of business.

Dated :           Brooklyn, New York  
                  June 24, 2021

  
\_\_\_\_\_  
DOUGLAS SHAYNE, ESQ.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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DOMINICK GAFFNEY,

Plaintiff,

-against-

FREDERICK MUNZ and UNITED NATURAL FOODS, INC,

Defendants.

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**SUMMONS AND VERIFIED COMPLAINT**

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**BLUMEN & SHAYNE, PLLC.**

*Attorneys for Plaintiff*

2916 Shell Road, 5<sup>th</sup> Floor

Brooklyn, New York 11224

(718) 618-0462

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*Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.*

*Dated: June 24, 2021*

*Signature:* \_\_\_\_\_

*Print Signer's Name: DOUGLAS-SHAYNE, ESQ.*

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To:

UNITED NATURAL FOODS, INC – C/O CT CORPORATION 28 LIBERTY STREET, NEW  
YORK NEW YORK 10005 (VIA N.Y.S. SECRETARY OF STATE)

FREDERICK MUNZ – 101 ATTITASH LANE, TAFTON, PENNSYLVANIA 18464

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Service of a copy of the within  
is hereby admitted.

Dated,

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Attorney(s) for

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